

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2010 APR 21 PM 2:25
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

MICHAEL ALEXANDER (1)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 07CR1237-BEN

MICHAEL L. LIPMAN

Defendant's Attorney

REGISTRATION NO. 00900298

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 AND 2 OF THE INFORMATION.☐

was found guilty on count(s) _____
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 1341 AND 18 USC 2	MAIL FRAUD AND AIDING AND ABETTING	1
26 USC 7206(1)	FILING FALSE TAX RETURNS	2

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐

The defendant has been found not guilty on count(s) _____

☐Count(s) _____ is ☐ are ☐ dismissed on the motion of the United States.☒

Assessment: \$200.00 (COUNT 1 - \$100.00, COUNT 2 - \$100.00).

☒

Fine waived

☐

Property forfeited pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

APRIL 19, 2010

Date of Imposition of Sentence

HON. ROGER T. BENITEZ

UNITED STATES DISTRICT JUDGE

07CR1237-BEN

DEFENDANT: MICHAEL ALEXANDER (1)

CASE NUMBER: **07CR1237-BEN****IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of

COUNT 1: THIRTY (30) MONTHS;

COUNT 2: THIRTY (30) MONTHS CONCURRENT TO COUNT 1.

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☐ The court makes the following recommendations to the Bureau of Prisons:

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .
as notified by the United States Marshal.

- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☒ before 5:00PM ON JUNE 03, 2010.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHALBy _____
DEPUTY UNITED STATES MARSHAL**07CR1237-BEN**

DEFENDANT: MICHAEL ALEXANDER (1)
CASE NUMBER: 07CR1237-BEN

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

COUNT 1: THREE (3) YEARS;

COUNT 2: ONE (1) YEAR CONCURRENT TO COUNT 1.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

07CR1237-BEN

DEFENDANT: MICHAEL ALEXANDER (1)
CASE NUMBER: 07CR1237-BEN**SPECIAL CONDITIONS OF SUPERVISION**

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☒ Notify the Collections Unit, United States Attorney's Office, of any interest in property obtained, directly or indirectly, including any interest obtained under any other name, entity, including a trust, partnership or corporation, until restitution is paid in full.
- ☒ Not frequent gaming establishments and not be involved in any form of gambling or games of chance in person or on the Internet.
- ☒ Attend Gambler's Anonymous Meetings as directed by the probation officer.
- ☐ Not reenter the United States illegally.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☒ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant is required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☒ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☒ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within days.
- ☐ Complete hours of community service in a program approved by the probation officer within days.
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of days.
- ☒ Not engage in employment or any profession involving fiduciary responsibilities or the solicitation of funds from investors or financial institutions.
- ☐ Remain in your place of residence for a period of days, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☒ Notify the Collections Unit, United States Attorney's Office, before transferring any interest in any property owned, directly or indirectly, including any interest held or owned under any other name or entity, including trusts, partnerships or corporations, until restitution is paid in full.
- ☒ Cooperate with any administrative findings of the Internal Revenue Service (IRS), file any delinquent income tax returns as requested, and file future income tax returns as required by law. Pay any tax due and owing, including any penalties and interest, to the IRS as directed.

DEFENDANT: MICHAEL ALEXANDER (1)
CASE NUMBER: 07CR1237-BEN

RESTITUTION

The defendant shall pay restitution in the amount of \$1,799,580.78 unto the United States of America.

This sum shall be paid immediately.
 x as follows:

Is it ordered that on Count 1 the defendant pay restitution in the total amount of \$1,789,318.78 through the Clerk, U.S. District Court. Payment of restitution shall be forthwith. During the defendant's period of incarceration, he shall pay restitution through the Inmate Responsibility Program at the rate of 50% of his income, or \$25.00 per quarter, whichever is greater. The defendant shall pay restitution during his period of Supervised Release at the rate of \$100.00 per month. These payment schedules do not foreclose the United States from exercising all legal actions, remedies, and process available to it to collect the restitution judgment. Restitution in the amount of \$1,789,318.78 shall be paid to the victims listed on Attachment A and distribution is to be made on a pro rata basis. On Count 1, the defendant shall be jointly and severally liable to pay restitution with co-defendants/co-conspirators for the same losses. The presently known co-defendant/co-conspirator is William Wright who has pled guilty to the same losses in Count 2 of the Superseding Information filed in UNITED STATES v. WILLIAM WRIGHT, criminal case number 08-777(S-1)(JFB), United States District Court, Eastern District of New York.

It is ordered that on Count 2 the defendant pay restitution in the total amount of \$10,262.00 through the Clerk, U.S. District Court, to the Internal Revenue Service-RACS, Attn: Mail Stop 6261 (Restitution), 333 W. Pershing Avenue, Kansas City, MO 64108. Payment of restitution shall be forthwith. During the defendant's period of incarceration, the defendant shall pay restitution through the Inmate Responsibility Program at the rate of 50% of the defendant's income, or \$25.00 per quarter, whichever is greater. The defendant shall pay the restitution during his Supervised Release at the rate of \$50.00 per month. These payments schedules do not foreclose the United States from exercising all legal actions, remedies, and process available to it to collect the restitution judgment. The amount of restitution to the Internal Revenue Service is to be applied towards the defendant's tax obligations for the tax year 2002. Until restitution has been paid, the defendant shall notify the Clerk of the Court and the United States Attorney's Office of any change in the defendant's mailing or residence address no later than thirty (30) days after the change occurs.

The Court has determined that the defendant does have the ability to pay interest. It is ordered that:

 x The interest requirement is waived.

 The interest is modified as follows: